

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----X	:	
ARY JEWELERS, LLC,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 04-cv-10281-EFH
v.	:	
	:	
IBJTC BUSINESS CREDIT CORP.	:	
and DAVID MOLINARIO,	:	
	:	
Defendants.	:	
-----X	:	

**AFFIDAVIT OF KATE CIMINI**

I, KATE CIMINI, hereby affirm as follows:

1. I am an attorney at the law firm of Ropes & Gray LLP, counsel to defendants in this action. I submit this affidavit solely to transmit to the Court the documents appended hereto.
2. Attached hereto as Exhibit A is a true and correct copy of an opinion issued by the Supreme Court of Kansas in the case entitled ARY Jewelers, LLC v. Scott Krigel, et al., 82 P.3d 460 (Kan. 2003) (the "Krigel Litigation").
3. Attached hereto as Exhibit B is a true and correct copy of the Amended Petition for Declaratory Judgment filed by ARY Jewelers, LLC ("ARY") in the District Court of Johnson County, Kansas in the Krigel Litigation.
4. Attached hereto as Exhibit C is a true and correct copy of the Brief of Appellee ARY Jewelers, LLC, filed by ARY in the Krigel Litigation.

5. Attached as Exhibit D is a true and correct copy of ARY Jewelers, LLC's Suggestions In Opposition to Plaintiffs' Emergency Motion For A Temporary Restraining Order in the case entitled M. Fabrikant & Sons, Inc. v. ARY Jewelers, LLC, Case No. 01-0671-CV-W-5 (W.D. Mo.) (the "Fabrikant Litigation").

6. Attached hereto as Exhibit E is a true and correct copy of ARY Jewelers, LLC's Supplemental Suggestions In Opposition To Preliminary Injunction, filed by ARY in the Fabrikant Litigation.

7. Attached hereto as Exhibit F is a true and correct copy of a sworn declaration of Abdul Razzak, filed by ARY in the Fabrikant Litigation.

8. Attached hereto as Exhibit G is a true and correct copy of a document authored by Gohar Husain of ARY and sent by fax to Abdul Razzak of ARY, dated March 21, 2001.

9. Attached hereto as Exhibit H is a true and correct copy of a letter dated March 28, 2001 from Abdul Razzak to Scott W. Krigel.

10. Attached hereto as Exhibit I is a true and correct copy of a letter dated April 5, 2001 from Abdul Razzak to Scott W. Krigel.

11. Attached hereto as Exhibit J is a true and correct copy of an article published on the website of The New York Times.

12. Attached hereto as Exhibit K is a true and correct copy of a brochure produced by ARY in this action.

13. Attached hereto as Exhibit L is a true and correct copy of Plaintiff's Responses to defendant's Requests for Admissions, served by fax on March 15, 2005.

14. Attached hereto as Exhibit M is a true and correct copy of a letter from counsel for defendants to plaintiff's counsel, with a handwritten response by plaintiff's counsel.

15. Attached hereto as Exhibit N is a true and correct copy of a portion of the deposition transcript of David Molinario, taken on December 1, 2004.

16. Attached hereto as Exhibit O is a true and correct copy of a portion of the deposition transcript of Abdul Razzak, taken on May 10, 2005, and errata sheet.

17. Attached hereto as Exhibit P is a true and correct copy of a portion of the deposition transcript of Thomas Morgan, taken on June 15, 2005.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 11<sup>th</sup> DAY OF AUGUST, 2005.

/s/ Kate Cimini  
Kate Cimini